

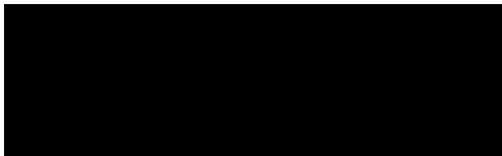
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090
**U.S. Citizenship
and Immigration
Services**

E2



Date: **NOV 22 2011**

Office: ORLANDO, FL

FILE: 

IN RE: 

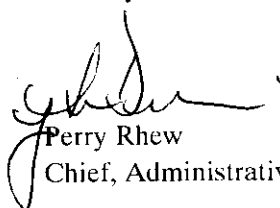
APPLICATION: Application for Certificate of Citizenship under Section 301(g) of the Immigration and Nationality Act, 8 U.S.C. § 1401(g)

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,



Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Field Office Director, Orlando, Florida denied the Application for Certificate of Citizenship (Form N-600) and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

On July 2, 2010, the field office director issued a request for further evidence requiring the applicant to submit evidence to establish that the applicant acquired U.S. citizenship at birth. *See Field Office Director's Request for Further Evidence*, dated July 2, 2010. The record indicates that the field office director found that the applicant failed to provide a timely and complete response to her request for further evidence. Accordingly, the field office director denied the application due to abandonment. *See Field Office Director's Decision*, dated November 29, 2010.

The regulation at 8 C.F.R. § 103.2(b)(13)(i) provides that if all requested initial evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. The regulation at 8 C.F.R. § 103.2(b)(15) provides that a denial due to abandonment may not be appealed, but an applicant may file a motion to reopen under 8 C.F.R. § 103.5. The official having jurisdiction over a motion to reopen is the official who made the last decision in the proceeding, in this case the Field Office Director, Orlando, Florida. *See* 8 C.F.R. § 103.5(a)(1)(ii). The field office director declined to treat the appeal as a motion and forwarded the matter to the AAO.

Here, the applicant did not file a motion to reopen; as indicated on the Form I-290B, she filed an appeal. As a denial due to abandonment may not be appealed to the AAO, the appeal must be rejected.¹

ORDER: The appeal is rejected.

¹ Additionally, the applicant's Form I-290B was untimely filed.